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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/080,301	02/21/2002	Joseph R. Svacek	3857-PA48	8367
27111	7590	11/29/2006	EXAMINER	
GORDON & REES LLP 101 WEST BROADWAY SUITE 1600 SAN DIEGO, CA 92101			HAN, CLEMENCE S	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 11/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/080,301	Applicant(s) SVACEK ET AL.	
	Examiner Clemence Han	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities: The statements with a term suggesting or making optional (e.g. “adapted to” or “whereby”) have been given little patentable weight, because the statements do not positively recite structural limitations (see MPEP § 2106).

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claim 1-3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barkley et al. (US 6,389,493) in view of Shivji et al. (US 7,054,310).

Regarding to claim 1, Barkley teaches an allocating device for dynamically allocating bandwidth, comprising: a plurality of personality modules 116, each of said personality modules having an independent bandwidth requirement, wherein at least two of said personality modules have different bandwidth requirements 130; an allocation module 119 connected to said personality modules by a plurality of transmission channels 134, wherein said allocation module assigns incremental bandwidths to said personality modules (Column 6 Line 42-45) based upon the bandwidth requirements of said personality modules (Column 6 Line 39-41); a

microprocessor 121 connected to said allocation module 119 by a first transmission line that is adapted for programming said allocation module to assign a bandwidth corresponding to the bandwidth requirement of said personality modules (Column 3 Line 65 – Column 4 Line 1); and a multiplexer connected to said allocation module by a second transmission line (Column 3 Line 7-8). Barkley, however, does not teach explicitly a plurality of slots adapted to removably receive different personality modules, wherein each of said slots is connected to said allocation module by a separate transmission channel in said plurality of transmission channels; wherein allocation of bandwidth to said personality modules is dynamic with respect to both change in types of personality modules in said plurality of slots and changes in bandwidth requirements of each personality module at different times, and each personality module may reside in any slot and in any combination. Shivji teaches a plurality of slots 610 adapted to removably receive different personality modules, wherein each of said slots is connected to said allocation module by a separate transmission channel in said plurality of transmission channels; wherein allocation of bandwidth to said personality modules is dynamic with respect to both change in types of personality modules in said plurality of slots and changes in bandwidth requirements of each personality module at different times, and each personality module may reside in any slot and

in any combination (Column 8 Line 43-46). It would have been obvious to one skilled in the art to modify Barkley to have each personality module may reside in any slot and in any combination as taught by Shivji in order to provide more flexible services (Column 9 Line 1-5).

Regarding to claim 2, Barkley teaches a controller 120 connected to said microprocessor 121 and said personality modules 116 by a data lines wherein said controller obtains information from each personality modules to determine how much bandwidth to assign to said personality module for transmitting data from said personality module (Column 6 Line 39-41).

Regarding to claim 3, Barkley teaches each of said personality modules is assigned incremental bandwidths with a fixed amount (Column 6 Line 45). Barkley, however, does not teach exactly 27 Mb/s granularity. It would have been obvious to one skilled in the art to modify Barkley to use 27 Mb/s granularity as a design choice.

Regarding to claim 5, Barkley teaches said multiplexer obtains a payload from said each of said plurality of personality modules and combines said payload for transmission over a single transmission channel (Column 3 Line 6-26).

4. Claim 6-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barkley et al. in view of Shivji et al. and further in view of Greaney et al. (Us 5,796,729).

Regarding to claim 6, Barkley teaches allocation module 119. Barkley, however, does not teach an interface circuit. Greaney teaches said interface circuit 68 comprises a set of input lines, a set of output lines and a set of dedicated bits (Column 7 Line 27-28) and wherein said interface circuit controls the direction of said payload that flows between said multiplexer and said plurality of personality modules and determines which of said output lines to transmit said payload on (Column 4 Line 48-53). It would have been obvious to one skilled in the art to modify Barkley in view of Shivji to have the interface circuit as taught by Greaney in order to provide communication path between system entities (Column 4 Line 55-58).

Regarding to claim 7 and 8, Greaney teaches high speed backplane bus 68. Greaney, however, does not teach said set of input lines/output lines comprising exactly an 88-bit wide bus. It would have been obvious to one skilled in the art to modify Barkley in view of Shivji and Greaney to use 88-bit wide bus as a design choice.

Regarding to claim 9, Greaney teaches said set of dedicated bits carries said

payload to and from said plurality of personality modules (Column 7 Line 27-28).

Regarding to claim 10, Greaney teaches said payload is high quality uncompressed video (Column 1 Line 21-27).

Regarding to claim 11, Greaney teaches said payload is high quality uncompressed audio (Column 1 Line 21-27).

Regarding to claim 12, Greaney teaches said payload is a modulated IF carrier (Column 1 Line 28-37).

Regarding to claim 13, Barkley teaches said plurality of personality modules 116 is selected from a group consisting of a transmit-only module, a receive-only module and a transceiver module (Column 3 Line 15-26).

Regarding to claim 14, Greaney teaches a front panel of said allocating device comprises a connector for connecting an external device 58 to said allocation module.

Regarding to claim 15, Greaney teaches said external device 58 is a monitor for displaying video data.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.**

See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clemence Han whose telephone number is (571) 272-3158. The examiner can normally be reached on Monday-Friday 9 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

C.H.

Clemence Han
Examiner
Art Unit 2616


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